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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 Case No.: CR 09-00717 JF

12 Plaintiff,

13 **STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

v.

14 MARCO BARBOSA; MARIA BARBOSA,

15 Honorable Jeremy Fogel

16 Defendants.
17 _____ /

18 Defendants Marco and Maria Barbosa and the government, through their respective counsel,
19 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,
20 presently scheduled for Thursday, April 28, 2011, at 9:00 a.m., be continued two weeks to Thursday,
21 May 12, 2011, at 9:00 a.m. Both defendants have filed pretrial motions that are set for hearing at the
22 next appearance. The continuance is requested to allow counsel for the government and counsel for
23 Mr. Barbosa additional time to prepare briefing on the motions.

24 The parties further agree that time should be excluded under the Speedy Trial Act because the
25 ends of justice served by granting the requested continuance outweigh the interest of the public and
26 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense

STIP. TO CONTINUE;
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1 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this
3 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

4 Dated: 4/25/11

/s/
LARA S. VENNARD
Counsel for Marco Barbosa

6 Dated: 4/25/11

/s/
PETER LEEMING
Counsel for Maria Barbosa

8 Dated: 4/25/11

/s/
EUMI CHOI
Assistant United States Attorney

10 [PROPOSED] ORDER

11 The parties have jointly requested a continuance of the hearing set for Thursday, April 28,
12 2011, to allow additional time for the parties to complete briefing on defense motions. GOOD
13 CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Thursday,
14 April 28, at 9:00 a.m., be continued to Thursday, May 12, at 9:00 a.m.

15 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
16 under the Speedy Trial Act from April 28 to May 12, 2011. The Court finds, based on the
17 aforementioned reasons, that the ends of justice served by granting the requested continuance
18 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
19 requested continuance would deny defense counsel reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
21 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
22 §§ 3161(h)(8)(A) and (B)(iv).

23 Dated: 4/26/11



JEREMY FOGEL
United States District Judge

25
26 STIP. TO CONTINUE;
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